

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

Plaintiff,

**MILWAUKEE JOURNAL SENTINEL,**

Movant/Intervenor,

**Case No. 97-CR-76**

**-vs-**

**DERRICK AVERY,**

Defendant.

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**DECISION AND ORDER**

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On September 18, 2009, the Court issued a Decision and Order which invited the *Milwaukee Journal Sentinel* to intervene for the purpose of obtaining access to sealed documents in the above-captioned criminal case. The Court stated that it “may be necessary and appropriate to keep some or all of these documents under seal, or to redact some of the information contained therein” but that the “parties opposing disclosure (i.e., the government and/or the defendant, Derrick Avery) bear the burden of demonstrating that some or all of this information should remain under seal.” D. 80, p. 3. The Court’s order allowed until October 2, 2009 for the parties opposing disclosure to meet their burden.

The *Journal Sentinel* intervened, and the government did not file a reply in accordance with the Court’s order. In reviewing this matter, it came to the Court’s attention that Mr. Avery’s attorney did not receive notice of the Court’s September 18 order through the

electronic filing system because his representation terminated in the underlying case. Therefore, in an abundance of caution, the Court will re-activate the electronic notification for this case and allow Mr. Avery to file his opposition, if any, on or before **November 2, 2009**.

Dated at Milwaukee, Wisconsin, this 23rd day of October, 2009.

**SO ORDERED,**

*s/ Rudolph T. Randa*

**HON. RUDOLPH T. RANDA  
U.S. District Judge**